

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

DIVISION 80, LLC

Plaintiff,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States, *et al.*,

Defendants.

No. 3:22-CV-00148

District Judge Jeffrey V. Brown

**UNOPPOSED MOTION OF 16 MAJOR CITIES, THE DISTRICT ATTORNEYS FOR
THE COUNTIES OF DALLAS, BEXAR AND TRAVIS, TEXAS, AND PROSECUTORS
AGAINST GUN VIOLENCE FOR LEAVE TO FILE A MEMORANDUM OF LAW AS
AMICUS CURIAE IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFF'S
EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION**

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Pursuant to Rule 7 of the Federal Rules of Civil Procedure and Rule 7 of the Local Rules of the United States District Court for the Southern District of Texas, 16 major cities across the United States (the “Amici Cities”), the District Attorneys for the Counties of Dallas, Bexar and Travis, Texas (the “Amici District Attorneys”) and Prosecutors Against Gun Violence (“PAGV,” and together with the Amici Cities and the Amici District Attorneys, the “Amici”) hereby respectfully move for leave to file an amicus brief in support of Defendants’ Opposition to Plaintiff’s Emergency Motion for a Preliminary Injunction. A copy of the proposed amicus brief is attached hereto as Exhibit A. Pursuant to Local Rule 7, this is an unopposed motion. A proposed order is attached. Oral argument is not requested.

The Amici Cities, which have a collective population of 24 million Americans, are deeply concerned with the growing spread of ghost guns. They are a coalition of municipalities, diverse in terms of geography, size and composition, that are all united by a common purpose—to protect the health and safety of their residents from the rising tide of gun violence on their streets and across the country.

PAGV is an independent, nonpartisan group that identifies and promotes prosecutorial and policy solutions for the national public health and safety crisis of gun violence. PAGV’s membership comprises 70 elected prosecutors, who collectively serve over 65 million Americans in 30 states. Its mission includes sharing best practices for prosecuting gun offenders and defending common-sense gun safety policies.

The Amici District Attorneys include Joe D. Gonzalez, the Bexar County Criminal District Attorney, John C. Creuzot, the Dallas County Criminal District Attorney, and José P. Garza, the Travis County District Attorney. The Amici District Attorneys serve a collective population of over 5.8 million Texans.

“The extent to which the court permits or denies amicus briefing lies solely within the court’s discretion. Factors relevant to the determination of whether amicus briefing should be allowed include whether the proffered information is ‘timely and useful’ or otherwise necessary to the administration of justice.” *U.S. ex rel. Gudur v. Deloitte Consulting LLP*, 512 F. Supp. 2d 920, 927 (S.D. Tex. 2007), *aff’d sub nom. U.S. ex rel. Gudur v. Deloitte & Touche*, No. 07- 20414, 2008 WL 3244000 (5th Cir. Aug. 7, 2008). Pursuant to this standard, this Court allows the filing of *amicus* briefs in appropriate cases, including *Texas v. United States*, 86 F. Supp. 3d 591, 608 (S.D. Tex. 2015), and *Texas v. Biden*, ECF No. 137, Case No. 3:21-cv-00065 (S.D. Tex. Sept. 28, 2021).

The Amici respectfully request that this Court exercise its discretion to permit the Amici to file the attached *amicus curiae* brief. The brief offers a unique perspective on the issues in this case and does not unduly repeat the parties’ arguments. Specifically, the Amici draw upon their collective experiences to provide the Court with data and specific, real-world examples of the effects of ghost guns on public safety and the unique challenges that these unserialized and untraceable guns present to prosecutors and local law enforcement agencies that are tasked with preventing and prosecuting gun crime.

For the foregoing reasons, the Amici respectfully request that this motion for leave to file the accompanying memorandum of law as *amici curiae* be granted.

Dated: July 8, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of July, 2022, I electronically filed the foregoing motion—together with the accompanying proposed order and the proffered *amicus curiae* memorandum—with the Clerk using the CM/ECF system, which I understand to have served the parties' counsel who are registered in as CM/ECF users.

By /s/ John R. Hardin

John R. Hardin